

DEC 23 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

YADAV, N. CASE NO.: CL1127 US CIP1

SERIAL NO.: 09/715,294

GROUP ART UNIT: 1638

FILED: NOVEMBER 17, 2000

EXAMINER: MEHTA, A.

FOR: METHODS FOR CONDITIONAL TRANSGENE
EXPRESSION AND TRAIT REMOVAL IN
PLANTS

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RESPONSE AND AMENDMENTAssistant Commissioner for Patents
Washington, DC 20231

Sir:

This response and amendment is filed outside the shortened three-month statutory period for response. A request for a two-month extension of time, including the appropriate fee, accompanies this document.

In response to the pending Non-final Office Action dated July 15, 2002 (Paper 12), please amend the above-referenced application as follows:

IN THE SPECIFICATION:

Please amend the paragraph beginning on page 1, line 5 as follows:

This application is a continuation in part of USSN 09/442,021, filed November 17, 1999, which claims the benefit of U.S. Provisional Application 60/063504, filed October 24, 1997.

IN THE CLAIMS:

Please cancel Claims 36-38 in favor of new Claims 81-86.

Please add new Claims 81-86 as follows:

--81. A method for conditionally activating a transgene in a plant comprising:

1) providing constructs comprising:

a) a first recombinase element having the general structure P1-R1;

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: ASST. COMMISSIONER FOR PATENT, WASHINGTON, D.C. 20231, ON THIS DATE.

DATE

MARY BETH PITCHER